IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

MONDAY, THE 4TH DECEMBER 2006 / 13TH AGRAHAYANA 1928

Bail Appl..No. 7140 of 2006(N)

CMP.2958/2006 of J.M.F.C., MANNARKAD
CRIME NO.797/06 OF MANNARKKAD POLICE STATION

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PETITIONER/ACCUSED NO.3:

NOUSHAD, AGED 33 YEARS,
S/O. HAMZA, NAMBIATH HOUSE, KUNTHIPUZHA,
MANNARKKAD, PALAKKAD DISTRICT.

BY ADV. SRI.G.MOHAN

RESPONDENT: COMPLAINANT:

STATE OF KERALA,
REPRESENTED BY STATION HOUSE OFFICER,
MANNARKAD POLICE STATION THROUGH PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SHRI P.N.SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 04/12/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V.RAMKUMAR, J.

B.A.No. 7140 OF 2006

DATED THIS THE 4TH DAY OF DECEMBER, 2006

O R D E R

Petitioner, who is the 3rd accused in Crime No.797/06 of Mannarkkad Police Station for offences punishable under sections 143, 147, 353 and 307 read with section 149 IPC, seeks bail. The petitioner was arrested on 24.10.2006.

2. Learned Public Prosecutor opposed the application.

3. The case of the prosecution is that a group of assailants including the petitioner were obstructing the passengers and attempting to commit robbery on the National Highway NH 37 at Nellippuzha. They had come in a Scorpio car under the leadership of the first accused Afsal @ Muhammed Afsal and attacked a passenger and had torned his apparel. On getting information, the Sub Inspector of Police reached to the scene and asked to stop the vehicle so as to restrain them from their criminal activities. But the vehicle was straightaway driven towards the Sub Inspector with a view to do away with him. While the Police party was able to take into custody three of the

accused persons including the petitioner herein along with the vehicle, the others made good their escape.

4. This is a daring onslaught on the law enforcing authorities who were acting in such a manner as to provide sufficient protection to the life and property of the citizens. The petitioner along with the first accused is also involved in other similar crimes such as Crime No.810/06, etc. In view of the fact that the investigation of the case is still in the preliminary stage, if the petitioner is released on bail at this stage of investigation, he will definitely influence and intimidate the prosecution witnesses and that may affect the smooth investigation of the case. I am not inclined to grant bail to the petitioner.

This petition is accordingly dismissed.

V.RAMKUMAR, JUDGE

dsn